IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 21 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BHUKHALIYA SAMADABHAI

Versus

STATE OF GUJARAT

Appearance:

THROUGH JAIL for Petitioner

MR SAMIR J DAVE, APP, for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/01/2001

ORAL JUDGEMENT

#. Rule. Shri Dave waives service of rule on behalf of the respondents. The matter is taken up for final hearing.

#. The petitioner is praying for his release on parole

leave of 45 days to file an appeal in the Supreme Court against the judgment of this court in his appeal against the judgment of the Sessions Court vide which he was convicted for the offence punishable under section 302 of I.P.C.

#. The judgment of this Court was delivered on 29th August, 2000 and there is all possibility that by now the limitation for filing of the appeal would have expired. Otherwise also, it cannot be said to be a good or reasonable ground for which the benefit of release of the petitioner on parole leave has to be given to him. The petitioner, if desired, could have filed the appeal through jail also. The order passed by the authority concerned rejecting his application is perfectly legal and justified in which no interference is called for.

#. As a result of the aforesaid discussion, this petition fails and the same is dismissed. Rule discharged.

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zgs/-